

Customized FORM PTO-1390 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY DOCKET NO. P07140US00/DEJ
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		U.S. APPLICATION NO. <i>(If known, see 37CFR 1.5)</i> 09/787,710
INTERNATIONAL APPLICATION NO. PCT/AU99/00826	INTERNATIONAL FILING DATE 27 September 1999	PRIORITY DATE CLAIMED 28 September 1998
TITLE OF INVENTION: APPARATUS AND METHOD FOR AVOIDING OCULAR MUSCULAR FATIGUE		
APPLICANT(S) FOR DO/EO/US: LEE		
Applicant herewith submits to the US Designated/Elected Office (DO/EO/US) the following items and other information:		
<div style="margin-left: 20px;"> <input type="checkbox"/> 1. This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. <input checked="" type="checkbox"/> 2. This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 USC 371. <input type="checkbox"/> 3. This express request to begin national examination procedures (35 USC 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 USC 371(b) and PCT Art. 22 and 39(1). <input type="checkbox"/> 4. A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date. <input type="checkbox"/> 5. A copy of the International Application as filed (35 U.S.C. 371 (c)(2)) <div style="margin-left: 20px;"> <input type="checkbox"/> a. is transmitted herewith (required only if not transmitted by the International Bureau). <input type="checkbox"/> b. has been transmitted by the International Bureau. <input type="checkbox"/> c. is not required, as the application was filed in the United States Receiving Office (RO/US). </div> <input type="checkbox"/> 6. A translation of the International Application into English (35 U.S.C. 371(c)(2)). <input type="checkbox"/> 7. Amendments to the claims of the International Appln. under PCT Article 19 (35 USC 371 (c)(3)) <div style="margin-left: 20px;"> <input type="checkbox"/> a. are transmitted herewith (required only if not transmitted by the International Bureau). <input type="checkbox"/> b. have been transmitted by the International Bureau. <input type="checkbox"/> c. have not been made; however, the time limit for making such amendments had NOT expired. <input type="checkbox"/> d. have not been made and will not be made. </div> <input type="checkbox"/> 8. A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). <input checked="" type="checkbox"/> 9. An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). <input type="checkbox"/> 10. A translation of the annexes to the Int'l Prelim. Exam. Report under PCT Article 36 (35 U.S.C. 371(c)(5)). Items 11. to 20. below concern document(s) or information included: <input checked="" type="checkbox"/> 11. An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98. <input checked="" type="checkbox"/> 12. An Assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. <input type="checkbox"/> 13. A First preliminary amendment. <input type="checkbox"/> 14. A Second or Subsequent preliminary amendment. <input type="checkbox"/> 15. A substitute specification. <input type="checkbox"/> 16. A change of power of attorney and/or address letter. <input type="checkbox"/> 17. A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 & 35 USC 1.821-825. <input type="checkbox"/> 18. A second copy of the published international application under 35 USC 154(d)(4). <input type="checkbox"/> 19. A second copy of the English translation of the international application under 35 USC 154(d)(4). <input type="checkbox"/> 20. Other items or information: <div style="margin-left: 20px;"> <input type="checkbox"/> <input type="checkbox"/> </div> </div>		
<div style="margin-left: 20px;"> <input checked="" type="checkbox"/> A copy of the Notification of Missing Requirements under 35 U.S.C. 371. <input type="checkbox"/> In the event that a petition for extension of time is required to be submitted herewith, and in the event that a separate petition does not accompany this response, applicant hereby petitions under 37 CFR 1.136(a) for an extension of time of as many months as are required to render this submission timely. Any fee is authorized in 17(c). </div>		
Date: 30 May 2001		

U.S. APPLICATION NO. <i>(if known)</i> 09/787,710	INTERNATIONAL APPLICATION NO. PCT/AU99/00826	ATTORNEY DOCKET NO. P07140US00/DEJ
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X 21. The following fees are submitted: <input type="checkbox"/> Basic National Fee (37 CFR 1.492 (a) (1)-(5): <table style="margin-left: 20px; width: 80%;"> <tr> <td><input type="checkbox"/> Neither Int'l Prelim. Exam. fee nor Int'l Search fee paid to USPTO</td> <td style="text-align: right;">\$1000</td> </tr> <tr> <td><input type="checkbox"/> Search Report has been prepared by the EPO or JPO</td> <td style="text-align: right;">\$ 860</td> </tr> <tr> <td><input type="checkbox"/> No Int'l Prelim. Ex. fee paid to USPTO but Int'l Search fee paid to USPTO</td> <td style="text-align: right;">\$ 710</td> </tr> <tr> <td><input type="checkbox"/> International preliminary examination fee paid to USPTO</td> <td style="text-align: right;">\$ 690</td> </tr> <tr> <td><input type="checkbox"/> Int'l Prelim. Ex. fee paid to USPTO & all claims satisfied PCT Art. 33(1)-(4)</td> <td style="text-align: right;">\$ 100</td> </tr> </table> <p style="text-align: right; margin-right: 20px;">ENTER APPROPRIATE BASIC FEE AMOUNT = \$</p>	<input type="checkbox"/> Neither Int'l Prelim. Exam. fee nor Int'l Search fee paid to USPTO	\$1000	<input type="checkbox"/> Search Report has been prepared by the EPO or JPO	\$ 860	<input type="checkbox"/> No Int'l Prelim. Ex. fee paid to USPTO but Int'l Search fee paid to USPTO	\$ 710	<input type="checkbox"/> International preliminary examination fee paid to USPTO	\$ 690	<input type="checkbox"/> Int'l Prelim. Ex. fee paid to USPTO & all claims satisfied PCT Art. 33(1)-(4)	\$ 100	CALCULATIONS PTO USE ONLY
<input type="checkbox"/> Neither Int'l Prelim. Exam. fee nor Int'l Search fee paid to USPTO	\$1000										
<input type="checkbox"/> Search Report has been prepared by the EPO or JPO	\$ 860										
<input type="checkbox"/> No Int'l Prelim. Ex. fee paid to USPTO but Int'l Search fee paid to USPTO	\$ 710										
<input type="checkbox"/> International preliminary examination fee paid to USPTO	\$ 690										
<input type="checkbox"/> Int'l Prelim. Ex. fee paid to USPTO & all claims satisfied PCT Art. 33(1)-(4)	\$ 100										
X Surcharge of \$130 for furnishing the oath or declaration later than from the earliest claimed priority date (37 CFR 1.492(e)). <table style="float: right;"> <tr> <td><input type="checkbox"/> 20 mos.</td> <td>\$130.00</td> </tr> <tr> <td><input type="checkbox"/> 30 mos. +</td> <td></td> </tr> </table>		<input type="checkbox"/> 20 mos.	\$130.00	<input type="checkbox"/> 30 mos. +							
<input type="checkbox"/> 20 mos.	\$130.00										
<input type="checkbox"/> 30 mos. +											
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE								
Total Claims	- 20 =		X \$18 =	\$							
Independent Claims	- 03 =		X \$80 =	\$							
<input type="checkbox"/> Multiple Dependent Claim(s) (if applicable)			+ \$270 =	\$							
TOTAL OF ABOVE CALCULATIONS =				\$ 130.00							
X Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$ 65.00							
SUBTOTAL =				\$ 65.00							
<input type="checkbox"/> Processing fee of \$130 for furnishing the English translation later than from the earliest claimed priority date (37 CFR 1.492(f)). <table style="float: right;"> <tr> <td><input type="checkbox"/> 20 mos.</td> <td>\$</td> </tr> <tr> <td><input type="checkbox"/> 30 mos. +</td> <td></td> </tr> </table>				<input type="checkbox"/> 20 mos.	\$	<input type="checkbox"/> 30 mos. +					
<input type="checkbox"/> 20 mos.	\$										
<input type="checkbox"/> 30 mos. +											
TOTAL NATIONAL FEE =				\$ 65.00							
X Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property				+ \$ 40.00							
TOTAL FEES ENCLOSED =				\$ 105.00							
05/04/2001 LLANDGRA 00000002 09787710 01 FC:254 65.00 OP				Refunded \$							
				Charged \$							

X a. A check in the amount of \$105.00 to cover the above fees is enclosed. <input type="checkbox"/> b. Please charge my Deposit Account No. 12-0555 in the amount of \$ to cover the above fees. X c. The Commissioner is hereby authorized to charge any additional fees required or credit overpayment to Deposit Account No. 12-0555.	Note: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.
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SEND ALL CORRESPONDENCE TO: Douglas E. Jackson At the address (below) of CUSTOMER NO. 00881. LARSON & TAYLOR, PLC 1199 NORTH FAIRFAX ST. SUITE 900 ALEXANDRIA, VA 22314	SIGNATURE: <u>Douglas E. Jackson</u> NAME: Douglas E. Jackson REG. NO.: 28,518 PHONE NO.: 703-739-4900 Date: 30 May 2001
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U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/787710	LEE H	P07140US00/D
INTERNATIONAL APPLICATION NO.		
PCT/AU99/00826		

DOUGLAS E JACKSON
LARSON & TAYLOR
1199 NORTH FAIRFAX STREET
SUITE 900
ALEXANDRIA, VA 22314

RECEIVED

APR 12 2001

I.A. FILING DATE	PRIORITY DATE
27 SEP 99	28 SEP 98

LARSON AND TAYLOR

DATE MAILED:

10 APR 2001

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):

- | | |
|--|---|
| <input checked="" type="checkbox"/> U.S. Basic National Fee. | <input checked="" type="checkbox"/> Indication of Small Entity Status. |
| <input checked="" type="checkbox"/> Copy of the international application. | <input type="checkbox"/> Translation of the international application into English. |
| <input type="checkbox"/> Oath or Declaration of inventors(s). | <input type="checkbox"/> Translation of Article 19 amendments into English. |
| <input type="checkbox"/> Copy of Article 19 amendments. | <input type="checkbox"/> Other: |
| <input checked="" type="checkbox"/> Priority Document. | |
| <input checked="" type="checkbox"/> The International Preliminary Examination Report in English and its Annexes, if any. | |
| <input type="checkbox"/> Translation of Annexes to the International Preliminary Examination Report into English. | |

2. ☒ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- | | |
|---|---|
| <input type="checkbox"/> U.S. Basic National Fee. | <input type="checkbox"/> Copy of the international application. |
|---|---|

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- | |
|--|
| <input type="checkbox"/> a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date. |
| <input type="checkbox"/> The current translation is defective for the reasons indicated on the attached Notice of Defective Translation. |
| <input type="checkbox"/> b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)). |
| <input checked="" type="checkbox"/> c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date. |
| <input type="checkbox"/> The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917. |
| <input checked="" type="checkbox"/> d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)). |

4. Additional claim fees of \$_____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

5. ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.

7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed: ☐ PCT/DO/EO/917 ☐ Notice of Defective Translation
☐ PTO-875 ☐ PCT/DO/EO/920

Karen Williams

FORM PCT/DO/EO/905 (March 2001)

Telephone: 703-305-3688